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teckcominco

Teck Cominco American Incorporated
15918 East Euclid Avenue
Spokane, WA 99216-1815
Phone: (509) 459-4426
Fax: (509) 459-4400
Email: bruce.diluzio@teckcominco.com

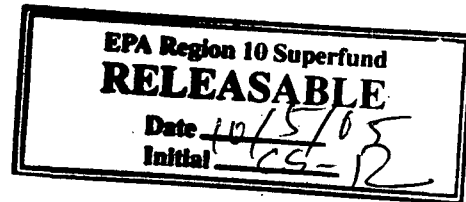
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From: C. Bruce DiLuzio
Vice President, Law
and Administration

Date: November 26, 2003

To: Cara Steiner-Riley

Please see attached letter.



PLEASE DELIVER IMMEDIATELY

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Via FAX (206) 553-0163

C. Bruce DiLuzio

Vice President, Law and Administration

U.S. Environmental Protection Agency
Region 10
1200 Sixth Ave.
Mail Stop ORC-158
Seattle, WA 98101

Attention: Cara Steiner-Riley
Assistant Regional Counsel

November 26, 2003

Dear Cara:

Re: Special Notice Letter for the Upper Columbia River Site

I am taking this opportunity to clarify Teck Cominco American's position in these difficult negotiations. Notwithstanding our position that Teck Cominco Metals Ltd. is not subject to jurisdiction under CERCLA, Teck Cominco American has volunteered to pay for an assessment of metals contamination in the Upper Columbia. Thus, our differences relate to the means, not the objective. Earlier today Teck Cominco American conveyed to you what we feel is our best attempt at bridging those differences so that the parties can begin addressing the assessment of conditions at the Lake Roosevelt site.

The primary difference between EPA and Teck Cominco American appears to be how to memorialize an agreement to perform the assessment. Teck Cominco American remains ready to sign a legally enforceable agreement to address metals discharged in slag to the Columbia River. It is not, however, willing to voluntarily agree to EPA's Administrative Order on Consent under CERCLA to address a situation to which Congress never intended that statute to apply.

We have tried to revise our proposed agreement to respond to issues raised in our discussions with the agency and in its letter of November 7. We are not wedded to this particular form of agreement, nor to every word of this document. We remain willing to work diligently with you within the general confines of the substance of this proposal, to develop a form of agreement acceptable to EPA. If necessary, we are willing to enter into a similar agreement

Teck Cominco American Incorporated

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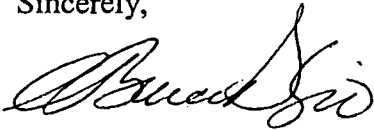
PO Box 3087, Spokane, WA 99220 ■ telephone: (509) 747-6111 ■ fax: (509) 459-4400

Cara Steiner-Riley
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with another government authority. We hope that in this case, EPA will be able to exhibit the kind of creativity that it has shown time and again in addressing other complex problems that do not fit into standard boxes.

Please contact me at 509 459-4426, or Tom Campbell at 713-662-9083 to discuss this draft agreement.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Bruce DiLuzio".

C. Bruce DiLuzio
Vice President, Law
and Administration

cc: Thomas A. Campbell
David W. Godlewski
Douglas H. Horswill